

SB 5625 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 04/05/2011

1
2 Strike everything after the enacting clause and insert the
3 following:

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5 "**Sec. 1.** RCW 43.215.260 and 2006 c 265 s 307 are each amended to
6 read as follows:

7 (1) Each agency shall make application for a license or ((renewal
8 of)) the continuation of a full license to the department on forms
9 prescribed by the department. Upon receipt of such application, the
10 department shall either grant or deny a license or continuation of a
11 full license within ninety days. A license or continuation shall be
12 granted if the agency meets the minimum requirements set forth in this
13 chapter and the departmental requirements consistent with ((the
14 [this])) this chapter, except that an initial license may be issued as
15 provided in RCW 43.215.280. The department shall consider whether an
16 agency is in good standing, as defined in subsection (4)(b) of this
17 section, before granting a continuation of a full license. Full
18 licenses provided for in this chapter shall ((be issued for a period
19 of three years)) continue to remain valid so long as the licensee
20 meets the requirements for a nonexpiring license in subsection (2) of
21 this section. The licensee, however, shall advise the director of any
22 material change in circumstances which might constitute grounds for
23 reclassification of license as to category. The license issued under
24 this chapter is not transferable and applies only to the licensee and
25 the location stated in the application. For licensed family day care
26 homes having an acceptable history of child care, the license may
27 remain in effect for two weeks after a move.

1 (2) In order to qualify for a nonexpiring full license, a licensee
2 must meet the following requirements on an annual basis as established
3 from the date of initial licensure:

4 (a) Submit the annual licensing fee;

5 (b) Submit a declaration to the department indicating the
6 licensee's intent to continue operating a licensed child care program,
7 or the intent to cease operation on a date certain;

8 (c) Submit a declaration of compliance with all licensing rules;
9 and

10 (d) Submit background check applications on the schedule
11 established by the department.

12 (3) If a licensee fails to meet the requirements in subsection (2)
13 of this section for continuation of a full license, the license
14 expires and the licensee must submit a new application for licensure
15 under this chapter.

16 (4)(a) The department shall establish time frames for monitoring
17 visits of nonexpiring licensees not less than every eighteen months
18 for family day care providers and not less than every twelve months
19 for child day care centers and school-age programs. It is not the
20 intent of the legislature to limit more frequent monitoring as
21 determined by the department.

22 (b) For the purpose of this section, an agency is considered to be
23 in good standing if in the intervening period between monitoring
24 visits that agency does not have any of the following:

25 (i) Valid complaints;

26 (ii) A history of noncompliance related to those valid complaints
27 or pending from prior monitoring visits; or

28 (iii) Other information that when evaluated would result in a
29 finding of noncompliance with this section.

30 (c) The department shall consider whether an agency is in good
31 standing when determining the most appropriate approach and process
32 for monitoring visits, for the purposes of administrative efficiency
33 while protecting children consistent with this chapter. If the
34 department determines that an agency is not in good standing, the

1 department may issue a probationary license, as provided in RCW
2 43.215.290.

3
4 **Sec. 2.** RCW 43.215.290 and 2006 c 265 s 310 are each amended to
5 read as follows:

6 (1) The department may issue a probationary license to a licensee
7 who has had ((a)) an initial, expiring, or other license but is
8 temporarily unable to comply with a rule or has been the subject of
9 multiple complaints or concerns about noncompliance if:

10 (a) The noncompliance does not present an immediate threat to the
11 health and well-being of the children but would be likely to do so if
12 allowed to continue; and

13 (b) The licensee has a plan approved by the department to correct
14 the area of noncompliance within the probationary period.

15 (2) Before issuing a probationary license, the department shall,
16 in writing, refer the licensee to the child care resource and referral
17 network or other appropriate resource for technical assistance. The
18 department may issue a probationary license pursuant to subsection (1)
19 of this section if within fifteen working days after the department
20 has sent its referral:

21 (a) The licensee, in writing, has refused the department's
22 referral for technical assistance; or

23 (b) The licensee has failed to respond in writing to the
24 department's referral for technical assistance.

25 (3) If the licensee accepts the department's referral for
26 technical assistance issued under subsection (2) of this section, the
27 department, the licensee, and the technical assistance provider shall
28 meet within thirty days after the licensee's acceptance. The licensee
29 and the department, in consultation with the technical assistance
30 provider, shall develop a plan to correct the areas of noncompliance
31 identified by the department. If after sixty days, the licensee has
32 not corrected the areas of noncompliance identified in the plan
33 developed in consultation with the technical assistance provider, the
34 department may issue a probationary license pursuant to subsection (1)

1 of this section.

2 (4) A probationary license may be issued for up to six months, and
3 at the discretion of the department it may be extended for an
4 additional six months. The department shall immediately terminate the
5 probationary license, if at any time the noncompliance for which the
6 probationary license was issued presents an immediate threat to the
7 health or well-being of the children.

8 ~~((3))~~ (5) The department may, at any time, issue a probationary
9 license for due cause that states the conditions of probation.

10 ~~((4))~~ (6) An existing license is invalidated when a probationary
11 license is issued.

12 ~~((5))~~ (7) At the expiration of the probationary license, the
13 department shall reinstate the original license for the remainder of
14 its term, issue a new license, or revoke the original license.

15 ~~((6))~~ (8) A right to an adjudicative proceeding shall not accrue
16 to the licensee whose license has been placed on probationary status
17 unless the licensee does not agree with the placement on probationary
18 status and the department then suspends, revokes, or modifies the
19 license.

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21 **Sec. 3.** RCW 43.215.270 and 2006 c 265 s 308 are each amended to
22 read as follows:

23 (1) If a licensee desires to apply for a renewal of its license, a
24 request for a renewal shall be filed ninety days before the expiration
25 date of the license. If the department has failed to act at the time
26 of the expiration date of the license, the license shall continue in
27 effect until such time as the department acts.

28 (2) License renewal under this section does not apply to
29 nonexpiring licenses described in RCW 43.215.260."

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31 Correct the title.

EFFECT:

(1) Requires the Department of Early Learning (DEL) to establish time frames for monitoring visits of nonexpiring licensees.

(2) Defines an agency in good standing as one that does not have:

(a) Complaints;

(b) History of noncompliance related to those complaints or pending from prior monitoring visits; or

(c) Other information that when evaluated may result in a finding of noncompliance.

(3) Requires DEL to consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits.

(4) Clarifies that the license renewal process does not apply to nonexpiring licenses.

(5) Clarifies that the DEL is authorized to issue a probationary license to an agency that is not in good standing.

(6) Requires the DEL to provide licensees who are not in good standing with a written referral to the child care resource and referral network or other appropriate resources for technical assistance prior to issuing a probationary license.

(7) Requires the DEL, the licensee, and the technical assistance provider to meet to develop a plan to correct the areas of noncompliance identified by DEL within thirty days after the licensee accepts the referral.

(8) Authorizes the DEL to issue a probationary license if:

(a) Within 15 working days after the department has sent its referral:

(i) The licensee has provided the DEL with written refusal of the referral; or

(ii) The licensee has failed to respond in writing to the DEL's referral.

(b) After 60 days, the licensee has not corrected the areas of noncompliance in consultation with the technical assistance provider.

(9) Requires the DEL to consider whether an agency is in good standing before granting a continuation of full license.

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